

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAVIER ALCALA,

No. C-08-04828 PJH (DMR)

Plaintiff,

**ORDER ON APRIL 3, 2014 DISCOVERY  
LETTER [DOCKET NO. 84]**

v.

MONSANTO COMPANY,

Defendant.

On March 7, 2014, *pro se* Plaintiff Javier Alcala and Defendant Monsanto Company (“Monsanto”) filed a joint discovery letter brief in which Alcala sought an order compelling further responses to his requests for production. [Docket No. 80.] On March 24, 2014, the court issued an order granting in part and denying in part Alcala’s motion to compel. [Docket No. 83 (Discovery Order).]

With respect to Alcala’s request for “studies, experiments and investigations” about symptoms caused by exposure to Roundup products or glyphosate by inhalation, the court ordered the following procedure: the court ordered Alcala to examine reviews of human epidemiology studies produced by Monsanto to identify any individual studies which he believes are relevant to his claims in this action (i.e., inhalation studies related to respiratory problems for the Roundup

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3 products at issue and/or glyphosate) and to identify to Monsanto any such studies by March 24,  
4 2014. Monsanto was ordered to produce any requested studies to which it did not object by April 3,  
5 2014. The court ordered the parties to meet and confer about any objections regarding the relevance  
6 of any studies identified by Alcala, and if disputes remained after meeting and conferring, to submit  
7 brief letters to the court setting forth their positions by April 3, 2014. (Discovery Order 4-5.)

8 On April 3, 2014, Monsanto filed a letter setting forth its objections to producing certain  
9 studies requested by Alcala. [Docket No. 84 (April 3 Letter).] Alcala did not submit a letter of his  
10 own or otherwise respond to Monsanto's letter. According to Monsanto, Alcala requested 32 studies  
11 cited in a 2009 European Respiratory Journal article, "Pesticide use and adult-onset asthma among  
12 male farmers in the Agricultural Health Study" by J.A. Hoppin.<sup>1</sup> (April 3 Letter 2, Exh. A at 1-2;  
13 Ex. B (Hoppin Article) at ALC002299.) Monsanto objects to producing all of the cited studies on  
14 the grounds that there is nothing in the article to suggest that the studies relate to the Roundup  
15 products at issue or to glyphosate.<sup>2</sup> In addition, Monsanto contends that the titles of the studies  
16 themselves do not indicate any such connection. (April 3 Letter 2, Hoppin Article at ALC002299.)

17 After reviewing the Hoppin article, the court agrees. The article discusses the possible  
18 connection between pesticide use and two types of adult-onset asthma, allergic and non-allergic.  
19 Several individual herbicides and insecticides are highlighted as showing "significant exposure-  
20 response trends" or other positive associations. (*See, e.g.*, Hoppin Article at ALC002292,  
21 ALC002293-95.) Glyphosate, the active ingredient in the Roundup products, is not one of the  
22 highlighted products. It appears on one table (*see* Hoppin Article at ALC002296, Table 3) but is not  
23 mentioned anywhere else in the article. As there is nothing in the article tying the requested studies

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26 <sup>1</sup> Alcala requested several other epidemiology studies cited in a review article to which  
Monsanto did not object and is producing. (April 3 Letter 1-2.)

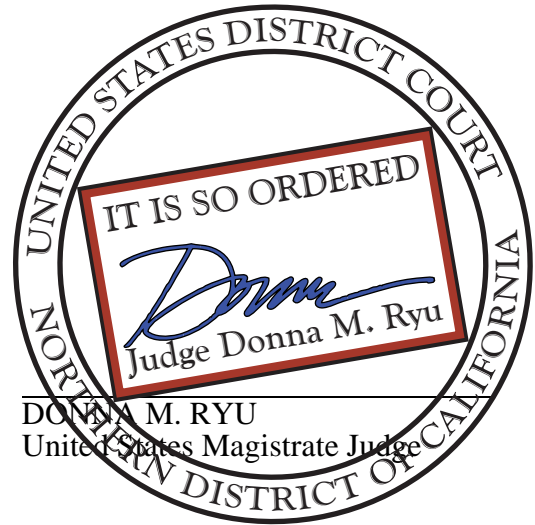
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28 <sup>2</sup> Monsanto states that it is producing certain of the referenced studies as they were also cited  
in a different review article and fall within the scope of the materials covered by the court's order, but  
does not identify which studies it will produce. (April 3 Letter 2.)

1 to Alcala's claims in this lawsuit, the court denies Alcala's request that Monsanto produce each of  
2 the 32 studies referenced therein.

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4 IT IS SO ORDERED.

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7 Dated: April 10, 2014



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9 DONNA M. RYU  
United States Magistrate Judge